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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,456	08/28/2001	Jaydeep Sinha	ADE-066XX	5339
207	7590	08/22/2005	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			SETH, MANAV	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/914,456	<b>Applicant(s)</b> SINHA ET AL.	
	<b>Examiner</b> Manav Seth	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to the Amendment*

1. Amendment filed on 16 March 2005 has been entered in full.
2. Applicant's resubmission of the figures 2 and 3 has been entered in full and is persuasive. Objection on the respective drawings have been withdrawn.
3. Applicant's amendment to the specification and claims has been fully entered. In view of the amendment to specification and claims, the objections on the specification and respective claims have been withdrawn.
4. Applicant's amendments and arguments to the claims have been fully considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al., U.S. Patent No. 6,199,986, further in view of Neal et al., U.S. Patent No. 6,547,395, and further in view of Evans et al., U.S. Patent No. 5,739,906.

Regarding **claim 1 and 14**, Williams et al. ("Williams") discloses receiving noisy data as a vector, each element of which corresponds to one sample point (Col. 10, lines 50-60; Col. 19, lines 18-67; Col. 21, lines 13-67, Col. 22, lines 13-67; Col. 10, lines 6-49; Col. 6, lines 20-67); and calculating coefficients of a polynomial which converts said noisy data vector to a 2D function continuously representing the artifact in the 2D space (Col. 21, lines 13-67, Col. 22, lines 1-24; Col. 19, lines 32-48). Williams discloses performing noise (aberration) reduction on the noisy data from an eye but does not teach performing noise reduction on the noisy data from a wafer specimen.

However, Neal et al. ("Neal") teaches general concept of optical metrology in which a surface to be measured, e.g., lens (eye being a lens), mirror, wafer, metal or plastic film, disk platen, etc., is used as a reflector for a light beam and this reflected light beam is measured with an optical sensor that measures the wavefront or phase of the beam (col. 1, lines 35-40). Neal further teaches the use of **wavefront measuring concept** in which the data is interpreted and analyzed to produce the surface shape of the specimen such as hard disk platens (col. 1, lines 55-60) and **further discloses measuring the whole surface by performing measurements at various positions of the wafers** (col.2, lines 23-32). Neal further teaches that the use of wavefront measurement concept in the ophthalmic measurement where the reflected light information from the eye retina is measured through the optical system that measures the wavefront (col. 2, lines 45-50, figure 3 and 4). Examiner in view of Neal asserts that Neal provides the teachings where **wavefront measurement** is used for analyzing the surface of hard disks platen, wafers and the human eye and Neal further acknowledges that a shape of the object under measurement can be determined using wavefront measurement.

Examiner, in order to provide more support for this well-known method as described by Williams and Neal, of using wavefront measurements, cites Evans et al. ("Evans"). Evans teach

noise reduction from noisy data representing an artifact at sample points in two-dimensional space of a wafer specimen (col. 1, lines 50-55). Evans in col. 1, lines 50-55 determines a bow (a noise) on the wafer and separates or reduces its effect from the thickness variation measurement of the wafer. Evans further discloses the use of a wavefront measurement to further determine the wafer thickness measurement (col. 2, lines 10-20) and further calculates Zernike coefficients of a polynomial to represent the bow (noise) in the two-dimensional representation (col. 9, lines 55-67 through col. 10 lines 1-42). Examiner further asserts that once the wavefront of the object surface is obtained by the sensor and converted into electrical signals, it would be obvious for one of ordinary skill in the art at the time of invention was made to use Williams method, a well known method, of reducing noise from noisy data representing an artifact at sample points in two dimensional space of a specimen in view of Neal and Evans, as Williams also admits using wavefront construction in determining the displacement of each spot from its ideal location due to wavefront aberration (noise) (col. 6, lines 20-24) and it being a matter of replacing human eye with a wafer as both objects have surface and wavefront measurement as discussed before is applicable to both objects and thus providing the motivation of using the combined teachings of all three references as all three references belong to the same field of measuring object surface for shape (homogeneity) variations with respect to wavefront measurement.

**Regarding claims 2 and 30**, Williams discloses the sample points lack regular geometrically prescribed locations on specimen (Figure 6).

**Regarding claims 3 and 15**, Williams discloses a non-rectilinear specimen (Abstract). Also, Neal teaches a non-rectilinear specimen in figure 3 and 4.

**Regarding claims 4 and 16**, Williams discloses sample points having a sufficiency to represent the spatial frequency of the noise to be reduced (Col. 11, lines 45-67, Col. 12, lines 1-5).

**Regarding claims 5 and 17**, Williams discloses using Zernike polynomials (Col. 21, lines 66-67, Col. 22, lines 1-24). Also, as discussed in the rejection of claim 1, Evans discloses using Zernike coefficients.

**Regarding claims 6 and 18**, Williams discloses the calculated coefficients are fewer in number than the number of sample points (Col. 10, lines 27-49).

**Regarding claims 7 and 19**, Williams discloses the noisy data is obtained using a measuring apparatus (Col. 19, lines 18-31) and the calculating step includes the step of mathematically multiplying the data vector by a matrix representing a least squares fit between the data vector and the polynomial (Col. 21, lines 13-67, Col. 22, lines 1-24).

**Regarding claims 8 and 20**, Williams discloses the matrix is a single value decomposition (Col. 21, lines 13-67, Col. 22, lines 1-24).

**Regarding claims 9 and 21**, Williams discloses calculating specimen spatial artifacts from said polynomial for one or more points in 2D space (Col. 19, lines 18-67).

**Regarding claims 10 and 22**, Williams discloses using a computer (Figure 3), but does not appear to specify transmitting coefficients to a remote location prior to the calculation of spatial

artifacts from the polynomial. However, it is very well known in the art, that a computer can be connected to other remote computers through a network using LAN or internet and also it is well known that any information in the electronic form can be transferred from one location to another. Therefore, one of ordinary skill in the art keeping this well-known fact in view, will be able to transfer or transmit the electronically stored coefficient to a remote location.

**Regarding claims 11 and 23**, Williams discloses receiving data representative of artifacts in 2D space of a specimen obtain by a measurement apparatus, each data point associated with a data position (Col. 19, lines 18-67; Col. 21, lines 13-67, Col. 22, lines 13-67; Col. 10, lines 6-49); and calculating a specimen-independent noise compensating matrix as a function of said data position in 2D space of said specimen (Col. 21, lines 13-67, Col. 22, lines 1-24; Col. 19, lines 32-48). All other limitations have been similarly analyzed and rejected as per claim 1.

**Regarding claims 12 and 13**, the arguments analogous to those presented above for claims 7 and 5 are applicable to claims 12 and 13, respectively.

**Regarding claim 24**, the arguments analogous to those presented above for claim 7 are applicable to claim 24.

**Regarding claim 25**, Williams discloses the matrix is of the form of a multiplier of a Zernike polynomial without decomposition coefficients (Col. 10, lines 6-49).

**Regarding claim 26**, Williams discloses a computer for calculating coefficients (Col. 16, lines 5-62).

**Regarding claim 27**, Williams discloses obtaining a set of noisy data points (Col. 19, lines 18-67; Col. 21, lines 13-67, Col. 22, lines 13-67; Col. 10, lines 6-49); using a complete set of Zernike polynomials as a shape functional space (Col. 19, lines 17-67); applying a weighted least squares fit between said noisy data points and a set of data points calculated from Zernike polynomials; and finding decomposition coefficients (Col. 21, lines 13-67, Col. 22, lines 1-24). Williams does not disclose determining wafer shape. However, Evans et al. ("Evans") teaches that it is known to obtain data representing a wafer shape and use a complete set of Zernike polynomials as a shape functional space (Col. 7-10). Also, Neal as discussed in the rejection of claim 1, discloses the shape construction of the object under measurement (See Neal, col. 1, lines 60-65). All other supporting arguments can be found in the rejection of claim 1.

**Regarding claim 28**, Williams discloses decomposition coefficients associated with Zernike polynomials (Col. 21, lines 13-67, Col. 22, lines 1-24), thereby having a compact data representation. The arguments analogous to those presented above for claims 27 and 1 are applicable to claim 28.

**Regarding claim 29**, Williams discloses a set of noisy data points from a scanning pattern that is not necessarily evenly spaced (Col. 9, lines 49-67, Col. 10, lines 1-5).



*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manav Seth  
Art Unit 2625  
August 17, 2005

  
**KANJIBHAI PATEL**  
**PRIMARY EXAMINER**